

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHYLLIS HENRY, on behalf of
D.H., a minor,

Plaintiff,

CASE NO. 1:16-cv-1452

v.

HON. ROBERT J. JONKER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Kent's Report and Recommendation in this matter (ECF No. 16); Plaintiff's Objection (ECF No. 17); and Defendant's Response (ECF No. 18). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; Plaintiff's objections; and Defendant's response to

objections. The Court finds the Magistrate Judge's Report and Recommendation factually sound and legally correct.

The Magistrate Judge recommends affirming the decision of the ALJ denying benefits. The Magistrate Judge also recommends denying Plaintiff's implicit request for a sentence-six remand. In her Objections, Plaintiff primarily reiterates and expands arguments made in her initial brief. She does not address the analysis of the Magistrate Judge in any meaningful way. Nothing in her submission adds to or otherwise changes the fundamental analysis. The Magistrate Judge correctly concluded that substantial evidence supports the ALJ's decision and that a sentence-six remand is not warranted.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 16) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the Commissioner's decision is **AFFIRMED**. To the extent Plaintiff seeks a sentence-six remand, the request is **DENIED**.

Dated: February 20, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE